IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated : Nainital the April 17th, 2006

Criminal Misc. Bail Application No.178 of 2006

Order on the bail application of accused

CRIMINAL SIDE

Nand Kishore @ Vijay Yadadv
S/o Sri Bhupal Singh
R/o village Saijana
P.S. Kichha
District U. S. Nagar …Applicant

Versus

State of Uttaranchal … Opposite Party

Arising out of case crime No.38 of 2006
Under Sections 302/201 IPC
P.S. Kichha
District U. S. Nagar

Hon'ble J.C.S. Rawat, J.

Heard Sri S. K. Mandal learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. The applicant-accused was not nominated in the FIR. The FIR was lodged by the Forest Guard on 18.1.2006 alleging therein that the dead body was lying in the forest. Thereafter, on 19.1.2006 the statement of Harpal Singh was recorded under section 161 Cr.P.C. where it was stated that the applicant had taken Rs.2000/- from him. Thereafter, the statement of Draupadi was recorded. She has stated that the deceased was seen in the company of the applicant-accused on 16.1.2006 and thereafter she was found dead. The case rests upon the circumstantial evidence. There is no complete chain of the offence. It was contended that the joint discovery was made. Considering the facts, contentions and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

Dated 17.04.2006 **(J.C.S. Rawat, J.)**

LSR